

BUREAU OF AUTOMOTIVE REPAIR
MODIFIED LANGUAGE OF PROPOSED REGULATIONS
CONSUMER ASSISTANCE PROGRAM (CAP) VEHICLE RETIREMENT ELIGIBILITY

Legend: Deleted text is indicated by ~~striketrough~~.
Added text is indicated by underlining.
New additions are indicated by double underlining.
Omitted text is indicated by * * * *.

(1) Amend Section 3394.4 of Article 11 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations, to read as follows:

§ 3394.4. Eligibility Requirements.

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(c) In order to qualify for participation in the Vehicle Retirement option of the Consumer Assistance Program, at the time of application, a vehicle must:

- (1) Be currently registered with the Department of Motor Vehicles; or,
- (2) Be currently operating under a repair cost waiver or economic hardship extension issued by the Bureau of Automotive Repair; or,
- (3) Be currently operating under a Temporary Operating Permit issued by the Department of Motor Vehicles; or,
- (4) (a) Until June 30, 2009, not have a registration that has been expired for more than ~~120~~ one hundred eighty (180) days after the date the application is postmarked;
- (b) Beginning July 1, 2009, not have a registration that has been expired for more than one hundred twenty (120) days after the date the application is postmarked; and
- (5) Have been continuously registered as an operable vehicle with the Department of Motor Vehicles for the twenty-four (24) months immediately preceding the current registration expiration date; and
- (6) (a) Until June 30, 2009, have failed a biennial smog check inspection no later than one hundred ~~and twenty 120~~ eighty (180) days after the expiration of the vehicle's most current renewal of registration with the Department of Motor Vehicles, provided that the registration renewal date is not more than ~~120~~ one hundred eighty (180) days prior to the postmarked date on the application, and that the failure is for causes other than an ignition timing adjustment, a failed gas cap functional test, or a non-emission related failure identified by the malfunction indicator light;

(b) Beginning July 1, 2009, have failed a biennial smog check inspection no later than one hundred twenty (120) days after the expiration of the vehicle's most current renewal of registration with the Department of Motor Vehicles, provided that the registration renewal date is not more than one hundred twenty (120) days prior to the postmarked date on the application, and that the failure is for causes other than an ignition timing adjustment, a failed gas cap functional test, or a non-emission related failure identified by the malfunction indicator light; and

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NOTE: Authority cited: Sections 44001.3, 44001.5 and 44002, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44005, 44010.5, 44011, 44012, 44014.7, 44015, 44017, 44017.1, 44037.1, 44062.1, 44091, 44092, 44093, 44094 and 44095, Health and Safety Code.